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Attorneys for Defendant Pfizer Inc

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

SOUTHERN ILLINOIS LABORERS' AND  
EMPLOYERS HEALTH AND WELFARE )  
FUND; NECA-IBEW WELFARE TRUST )  
FUND; MIDWESTERN TEAMSTERS )  
HEALTH AND WELFARE FUND; THE )  
WELFARE FUND OF TEAMSTERS LOCAL )  
UNION 863; PLUMBERS & PIPEFITTERS )  
LOCAL UNION 630 WELFARE TRUST )  
FUND; CLEVELAND BAKERS AND )  
TEAMSTERS HEALTH AND WELFARE )  
FUND; ELECTRICAL WORKERS BENEFIT )  
TRUST FUND; FIRE & POLICE RETIREE )  
HEALTH CARE FUND, SAN ANTONIO, )  
LABORERS' DISTRICT COUNCIL )  
BUILDING AND CONSTRUCTION )  
HEALTH AND WELFARE FUND; )  
LABORERS' DISTRICT COUNCIL HEAVY )  
AND HIGHWAY UTILITY HEALTH AND )  
WELFARE FUND, and NEW YORK CITY )  
POLICE SERGEANTS BENEVOLENT )  
ASSOCIATION HEALTH & WELFARE )  
FUNDS, individually, and on behalf of all )  
others similarly situated, )

Plaintiffs, )

v. )

PFIZER INC., )

Defendant. )

**No. 08cv5175 (DAB)  
ECF Case**

Electronically Filed

**DEFENDANT PFIZER INC'S NOTICE OF MOTION FOR  
RECONSIDERATION OF THE MINUTE ORDER OF MAY 22, 2008**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law and Declaration of Mark S. Cheffo, Defendant Pfizer Inc ("Pfizer"), by their attorneys, Skadden, Arps, Slate, Meagher & Flom LLP, Four Times Square, New York, New York, 10036, will move in the United States District Court for the Southern District of New York, before the Honorable Deborah A. Batts, at the United States Courthouse, 500 Pearl Street, New York, New York, 10007, as soon as counsel may be heard, for an Order: (i) granting Pfizer's motion for reconsideration, pursuant to Local Civil Rule 6.3 and Federal Rule of Civil Procedure 54(b), of the Minute Order of May 22, 2008, in which the transferor Court sustained Plaintiffs' objections to, and set aside, the November 14 and December 21, 2007, Opinions and Orders of Magistrate Judge Geraldine Soat Brown; and (ii) reinstating those Opinions and Orders.<sup>1</sup>

Dated: New York, New York  
June 6, 2008

Respectfully submitted,

/s/ Mark S. Cheffo  
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Attorneys for Defendant Pfizer Inc

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<sup>1</sup> On May 29, 2008, Judge John W. Darrah of the Northern District of Illinois issued an order, pursuant to 28 U.S.C. § 1404, transferring this action to this Court. The Court had previously indicated that it would enter a transfer order after ruling on Plaintiffs' objections to Magistrate Judge Brown's Orders.

**AFFIDAVIT OF SERVICE**

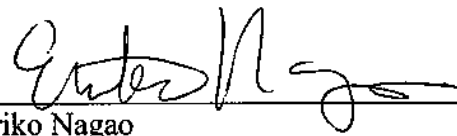
STATE OF NEW YORK     )  
  ) ss.:  
COUNTY OF NEW YORK    )

ERIKO NAGAO, being duly sworn, deposes and says:

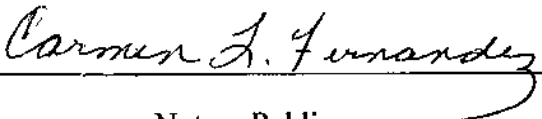
1.     I am over eighteen years of age, not a party to the action and am employed by Skadden, Arps, Slate, Meagher & Flom LLP, Four Times Square, New York, NY 10036.

2.     That on the 6<sup>th</sup> day of June, 2008, I served true copies of the foregoing **Defendant Pfizer Inc's Notice of Motion for Reconsideration of the Minute Order of May 22, 2008, Memorandum of Law and Declaration re: same** by hand to:

**Grant & Eisenhofer  
29<sup>th</sup> Floor  
485 Lexington Avenue  
New York, NY 10017**

  
Eriko Nagao

Sworn to before me this  
6<sup>th</sup> day of June, 2008



Notary Public

CARMEN L. FERNANDEZ  
Notary Public, State of New York  
No. 4905737  
Qualified in Bronx County *Bronx County*  
Certificate Filed in *New York County*  
Commission Expires Sept. 14, 2011